THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.16555 of 2004

Dt.28-03-2006

Between:

Komabathula Mukunda Prasad

..petitioner

and

1.The Executive Officer, the Dist. Scheduled Caste Service

Cooperative Society, Muvvalavanipalem, Visakhpatnam and others.

..Respondents.

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W.P.No.16555 of 2004

Oral Order:

Heard both sides.

Similar proceedings were issued on the same date calling upon the lessees of Shop Nos.9, 7, 1 and 3 in the shopping complex owned by the 1st respondent terminating the lease and directing to hand over the keys of the shops and the same was challenged in W.P.No.15744 of 2004. This Court by order dated 06-12-2005 set aside the impugned order on the ground before passing the said order no

opportunity was given to the lessees to explain their version with reference to the alleged violation of the conditions of allotment of the shops and granted liberty to the 1st respondent to issue necessary orders of cancellation of the shops allotted to the petitioners, after giving a show cause notice and an opportunity of being heard.

For the same reasons this writ petition deserves to be allowed and it is accordingly allowed. Impugned order is accordingly set aside. If the petitioner has violated the conditions of allotment, respondents are at liberty to issue show cause notice and after explanation is called for and providing an opportunity of being heard they can pass appropriate orders for due eviction.

The writ petition is accordingly allowed. No costs.

_____ A.GOPAL REDDY, J.

28-03-2006

Murthy